

REMARKS/ARGUMENTS

The claims are 3-21. Claim 21 has been amended to incorporate the subject matter of claim 2 and to clarify that during the at least one mechanical adjustment the welding torch is maintained in position. Support for the claims may be found, *inter alia*, in the disclosure at pages 8-9 and FIG. 1. Reconsideration is expressly requested.

Claims 2, 10 and 11 and 18-21 were rejected under 35 U.S.C. 102(b) as being anticipated by *Hozumi et al.* U.S. Patent No. 4,249,062. Claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Nishikawa et al.* JP 11-058012 in view of *Hozumi et al.* Claims 1-20 were also rejected under 35 U.S.C. 103(a) as being unpatentable over *Mita et al.* EP 774 317 discussed in the specification in view of *Hozumi et al.* The Examiner also indicated that he need not consider the arguments presented in Applicant's January 2, 2009 Amendment concerning the determination of the position of the welding wire relative to the workpiece without movement of the welding torch because this feature was not recited in the rejected claims.

In response, Applicant has amended claim 21, *inter alia*, to specify that during the at least one mechanical adjustment

process, the welding torch is maintained in position and the welding parameters are controlled in a manner that no or only little welding wire material melting is effected and respectfully traverses the Examiner's rejection for the following reasons.

As discussed in Applicant's Amendment filed January 2, 2009, Applicant's invention as set forth in claim 21 as amended, provides a welding process using a melting welding wire in which the position of the welding wire or end of the welding wire relative to the workpiece is mechanically determined, thus providing an accurate length regulation of the electric arc. The mechanical determination of the position largely prevents the adjustment procedure from being influenced by the welding process so that a very high accuracy is obtained.

In contrast, *Hozumi et al.* shows an apparatus and a method for sensing welding point in automatic welding apparatus, where the welding torch is moved to trace the welding line of the workpiece, and the position of the welding torch relative to the workpiece will be determined.

Moreover, as stated in Applicant's previous responses filed June 24, 2008 and January 2, 2009, the method according to

Nishikawa et al. is based merely on the indirect measurement of the stick-out length via electrical parameters, and a mechanical adjustment process carried out during the welding process to determine the position of the welding wire using the welding wire as a sensor as recited in Applicant's claim 21 as amended is nowhere disclosed or suggested by *Nishikawa et al.*

With respect to *Mita et al.* discussed at page 1 of Applicant's disclosure, the position or distance of the end of the welding wire from the workpiece cannot be precisely determined because of the most diverse influences encountered in the welding process. See Applicant's January 2, 2009 Amendment at page 13. There is no disclosure or suggestion of Applicant's method as recited in claim 21 as amended, wherein during the at least one mechanical adjustment process, the welding torch is maintained in position and the welding parameters are controlled in a manner that no or only little welding wire material melting is effected. It is important that during the contact of the welding wire with the workpiece no or very little welding wire material melting occurs. Otherwise, the position of the end of the welding wire relative to the workpiece cannot be determined exactly.

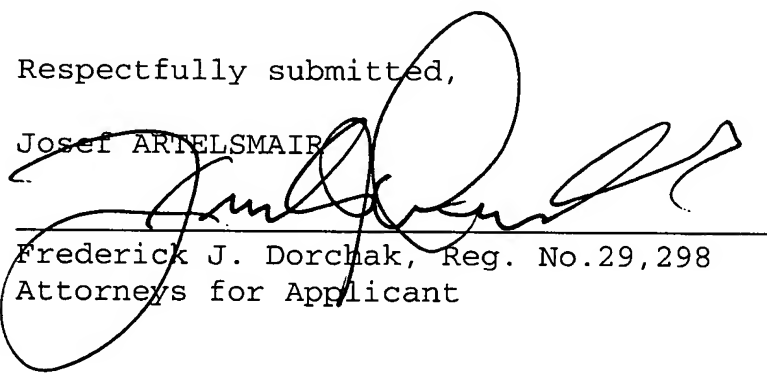
Accordingly, it is respectfully submitted that claim 21 as amended, together with claims 3-20, which depend directly or indirectly thereon are patentable over the cited references.

In summary, claim 21 has been amended, and claim 2 has been canceled. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,

Josef ARTELSMAIR

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
FJD:djp


Frederick J. Dorchak, Reg. No. 29,298
Attorneys for Applicant

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Date of Deposit: June 26, 2009

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